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Dear Senator:

The U.S. Senate is expected to vote this week to reauthorize the Individuals with Disabilities Education Act (IDEA). Despite a number of provisions that demand further revisions and improvements, **the Council of Chief State School Officers (CCSSO) recommends that Senators vote for S. 1248 in order to allow the reauthorization process to move forward. Additionally, we urge you to vote in favor of the Hagel/Harkin full funding amendment and maintain this provision through the conference committee. Finally, we urge your support for Senator Santorum's paperwork reduction amendment.**

CCSSO, working as a representative of the nation's state education agencies, applauds the efforts of the Senate to provide quality education to students with disabilities. The proposed Senate bill makes some important improvements to IDEA, such as decreasing the misidentification of children's disabilities, promoting early intervention strategies, increasing protections for student and parent rights, and simplifying the IEP process. However, the bill also requires significant modifications before it is enacted, including revisions in the areas of teacher quality, enforcement, state capacity, data collection, risk pools, and funding. Our organization is disappointed there will not be an opportunity to address any of these important issues during floor debate. Since the unanimous consent agreement excludes amendments on these priority issues, CCSSO will support the process of moving S. 1248 through the Senate and advocate for these additional changes during the conference committee deliberations.

In addition to the reforms included in the Senate bill, two Senate floor amendments will further improve S. 1248. We urge you to support the Hagel/Harkin amendment to fully fund IDEA. Although we applaud Congress for recent increases in funding, the federal government still provides less than half the amount it committed to provide in 1975, shortchanging students with disabilities by more than \$10 billion a year. Enactment of the Hagel/Harkin amendment would, after 28 years, finally put us on a path to fulfill the Congressional funding commitment.

Additionally, we urge you to support Senator Santorum's efforts to streamline IDEA by removing bureaucracy and unnecessary paperwork. Special education teachers overwhelmingly list paperwork as the biggest obstacle to delivering quality service to children with disabilities. Time spent on unnecessary administrative activities decreases valuable instructional time and impedes academic progress. The proposed paperwork reduction demonstration program would allow as many as 20 states to develop more efficient methods for monitoring compliance and serve as models for reform for other states.

Recommendations for Conference

Although S. 1248 includes numerous improvements for IDEA, problems with several provisions *must* be addressed during conference before the bill becomes law. CCSSO's Special Education Task Force (comprised of chiefs, state special education directors, and other experts) met in March and compiled a


set of recommendations for S. 1248, which are summarized in the attached paper. The following three issues are of the greatest concern to our members:

1. **“Highly Qualified” Special Education Teacher:** Although the Senate proposal makes a good faith effort to define a highly qualified special education teacher, we are concerned the bill could require teachers to pursue multiple certifications or benchmarks in an array of fields in order to be considered as a highly qualified special education teacher.
2. **Arbitrary Enforcement:** The bill establishes a system for labeling states by level of compliance. Since there is very little direction given to the U.S. Department of Education on how to label states, we are troubled by the potential for arbitrary labeling. We are also deeply concerned about the implications for litigation if a state were to be identified as “significantly non-compliant” or “egregiously non-compliant.”
3. **Funding for New Requirements:** The bill lacks adequate funding to pay for the requirements, both in terms of Part B funds to local education agencies and state activity funds to pay for state initiatives. In regard to state administration, the bill requires many new responsibilities for the state, while at the same time freezing funding at 1997 levels with a minimal adjustment for inflation. The data collection requirements alone will cost states millions of dollars, and yet there is no new funding for administration.

Based on the recommendations of the Special Education Task Force, CCSSO has developed proposals and legislative language to fix each problem area. But thus far, the Senate reauthorization process has not allowed for significant changes to the original Senate proposal. Amendments were not allowed during the committee markup, and only six pre-determined amendments will be in order on the Senate floor. Our organization is supporting the current process for moving the Senate bill forward with the expectation that there will be more extensive opportunities to address teacher quality, enforcement, and funding issues during the House and Senate conference. If the conference process does not allow for greater consideration of our priority issues, we will not be able to support final passage of the conference agreement.

We ask that you take the time to read through and consider our attached recommendations. CCSSO and its members are committed to a quality education for all students and believe the recommendations will provide just that. CCSSO will continue to work with the Senate and House toward resolution of the issues raised in the attached paper. Please contact me (pattys@ccsso.org) or Jordan Cross (jordanc@ccsso.org) if we can be of assistance to you or your staff in your deliberation of this important legislation.

Sincerely,



G. Thomas Houlihan
Executive Director

Attachment